

REMARKS/ARGUMENTS

The present amendment is submitted in accordance with the Revised Amendment Format.

The Examiner has rejected claims 21 and 22 of this Application under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,003,773 to Hoennig et al. (hereinafter “Hoennig”).

The Examiner has rejected claims 1-3, 5-7, 9, 11, 13-14, and 16-19 of this Application under 35 U.S.C. § 103(a) as being unpatentable over Hoennig in view of U.S. Patent No. 5,644,720 to Boll et al. (hereinafter “Boll”).

The Examiner has rejected claims 4 and 10 of this Application under 35 U.S.C. § 103(a) as being unpatentable over Hoennig in view of Boll, and in further view of U.S. Patent No. 6,300,947 to Kanevsky.

The Examiner has rejected claims 8, 15, and 20 of this Application under 35 U.S.C. § 103(a) as being unpatentable over Hoennig in view of Boll, and in further view of U.S. Patent Application No. 2001/0047383 to Dutta.

The Examiner has rejected claim 12 of this Application under 35 U.S.C. § 103(a) as being unpatentable over Hoennig in view of Boll, and in further view of U.S. Patent Application No. 2003/0033356 to Tran et al. (hereinafter “Tran”).

The Examiner has rejected claims 23-25 of this Application under 35 U.S.C. § 103(a) as being unpatentable over Hoennig in view of U.S. Patent Application No. 3004/0225656 to Sarkar.

Amendments to Resolve all Issues and Place All Claims in a Condition for Allowance

Claim 21 has been amended to include a limitation that is not disclosed in any of the prior art references of record.

In particular, none of the cited prior art references disclose a “client abstraction layer” that “hides” “client-specific behavior of the client program from the server application” and which acts as “an intermediary between the client program and the server application”.

Applicants have made this Amendment to resolve all issues and place all pending claims in an immediate condition for allowance.

All amendments are fully supported by the specification and no new matter has been added.

Allowance in view of the amendments and remarks is respectfully requested.

Rejection under 35 U.S.C. § 102(e)

The first issue in this case is whether claims 21 and 22 are anticipated by Hoennig under 35 U.S.C. § 102(e).

Independent claims 21, as amended, provides;

“A method of selecting an adapter for converting communication between a plurality of client programs and a server application comprising:

at a client abstraction layer, receiving a connection request from a client program to begin a new connection with the server application, wherein the client abstraction layer hides the client-specific behavior of the client program from the server application, wherein the client abstraction layer is an intermediary between the client program and the server application; and

executing a multi-stage selection process wherein the process comprises:

selecting a process from a plurality of processes based on the connection request; and

selecting the adapter from a plurality of adapters based on the selected process, wherein each adapter from the plurality of adapters is designed for use with a particular type of client.”

(Claim 21, emphasis added).

Claim 21 includes the limitation of “executing a multi-stage selection process.” Applicants respectfully note that the Examiner not pointed out where in Hoennig this limitation is disclosed. Applicants submit that Hoennig does not disclose “executing a multi-stage

selection process,” and, therefore, is not anticipated by Hoennig. For at least this reason, claim 21 is allowable. **Moreover, Applicants point out that this rejection is not properly final where this claim element has not been accounted for. Applicants therefore request that the Finality of this Rejection either be withdrawn or that this claim be deemed allowable.**

Claim 21 has been amended to include the limitation “wherein the client abstraction layer hides the client-specific behavior of the client program from the server application, wherein the client abstraction layer is an intermediary between the client program and the server application.” The Examiner has stated that Hoennig does not disclose such a feature. (p. 10, para. 6, Office Action.) Thus, for the reasons set forth below, claim 21 is now in a condition for allowance.

Claim 22 is a dependent claim that include all the limitations of claim 21 and include additional limitations. For at least the same or similar reasons, this claim is also allowable.

Rejection under 35 U.S.C. § 103(a)

The second issue in this case is whether claims 1-20, and 23-25 are unpatentable as being unpatentable over various combinations of references. A claim is obvious if a combination of references teaches or suggests each and every limitation recited in the claim.

Claims 1-3, 5-7, 9, 11, 13-14, and 16-19

The Examiner has rejected claims 1-3, 5-7, 9, 11, 13-14, and 16-19 as being unpatentable over Hoennig in view Boll under 35 U.S.C. § 103(a). Applicants would like to point out that the Examiner’s obviousness rejection lacks a proper foundation. The “Examination Guidelines for Determining Obviousness under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR International v. Teleflex Inc.” (hereinafter “the Obviousness Guidelines”) states:

“The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention

would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn* stated that “Rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinnings to support the legal conclusions of obviousness.”

(72 Fed. Reg. 57,526, at 57,529, emphasis added). Accordingly, the Examiner’s mere citation to portions of Hoennig and Boll are insufficient to maintain a proper obviousness rejection. Specifically, the Examiner (1) has not pointed out the level of ordinary skill and (2) has not stated any reasons why one of ordinary skill in the art would combine or otherwise modify Hoennig and Boll. (72 Fed. Reg. 57,526, at 57,528). The Examiner’s statement that “[i]t would have been obvious to a person of ordinary skill in the art at the time the invention was made to had modified the Adapter Manager of Hoennig with the teachings of Communications Interface from Boll because this feature would have provided a communications interface for a computer network having a client application and a plurality of client servers” is a conclusory statement that merely states what would have resulted from a combination of the references as a rationale for a finding of obviousness. *A mere statement that the combination of references is proper because it results in the claimed invention is not a proper Rationale for an obviousness rejection as set forth in the Obviousness Guidelines.* Since the Examiner has not pointed out the level of ordinary skill and has not provided a proper rationale to support why one of ordinary skill in the art would combine or otherwise modify Hoennig and Boll, the Examiner’s rejection is improper and should be withdrawn.

Furthermore, even if it is possible to combine or modify the references, the combination or modification is not obvious unless a proper rationale is articulated. For example, one rationale in the Obviousness Guidelines states:

“(A) Combining prior art elements according to known methods to yield predictable results.”

(the Obviousness Guidelines at 57,529). This rationale requires that “the prior art include[] each element claimed, although not necessarily in a single prior art reference, with the

only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” Moreover, the method of combination must be “known”. In this case, an obviousness rejection of claim 1 based on this rationale would not be proper because the combination of Hoennig and Boll does not teach each and every limitation recited in claim 1. Moreover, the method of combination is entirely new. Independent claim 1 recites the following:

“A computer program product, tangibly embodied in a machine-readable storage device, the computer program product comprising instructions operable to cause data processing apparatus to:

identify at a client abstraction layer on a server, one or more selection data elements in a client request received at the client abstraction layer, where each selection data element specifies an adapter type, a client type, or data describing the client; and

use the selection data elements to select an adapter at the client abstraction layer to convert communication between an application running on the server and one or more client programs, the adapter being used by the client abstraction layer as an intermediary, the adapter hiding client-specific behavior from the application running on the server, the adapter being designed for use with a particular client program.”

(Claim 1, emphasis added). Claim 1 includes the limitation to “use the selection data elements to select an adapter.” The Examiner has relied on the following citation:

“At adapter manager **102**, in an operation **307**, an interface adapter is obtained by determining module **122**. The interface adapter includes an interface from the request-interface to at least one of the offer-interfaces available at service object **101**.”

(Hoennig, column 15, lines 1-5). Although Hoennig may teach what obtains the interface adapter (e.g., a determining module), Hoennig does not teach how the interface adapter is obtained (i.e., selected). In particular, Hoennig does not teach “us[ing] the selection data elements to select an adapter,” which articulates how the adapter is selected. Since Hoennig does not disclose how the adapter is selected, the combination of Hoennig and Boll does not teach or suggest each and every limitation recited in claim 1. Moreover, this method of interface adapters is not “known”, but rather, an innovative new approach. Accordingly, none of the KSR

Obviousness Guidelines are applicable. These factors clearly illustrate that it would not have been obvious to one of ordinary skill in the art to obtain the claim invention by combining the cited references.

In addition, the combination of Hoennig and Boll does not teach or suggest “the adapter hiding client-specific behavior from the application running on the server.” The Examiner explicitly states that Hoennig does not disclose this limitation. Rather, the Examiner refers to the following in Boll:

“FIG. 1 is a simplified illustration of computer service network 10 having client applications 12, 14, and 16 capable of transmitting transaction requests via respective two-way communications paths 18, 20, and 22 to communications interface 24. Communications interface, which includes interface database 26 and is connected to client servers 28, 30, 32, 34, and 36, answers transactions requests by providing data identifying a client server to a requesting client applications. Client servers 28, 30, 32, 34, and 36 are linked to databases 40, 42, 44, 46, and 48, respectively.”

(Boll, column 3, lines 25-34). The above citation referred to by the Examiner teaches a computer service network where client applications may communicate with a communications interface, the communications interface is connected to client servers, and the communications interface answers transactions request by providing data identifying a client server to a requesting client application. In other words, the communications interface facilitates communication between the client applications and the client servers. Hence, the Examiner’s citation does not disclose “the adapter hiding client-specific behavior from the application running on the server.” In contrast, Boll discloses the opposite as illustrated in the following:

“Interface 24 responds to a transaction request from client application 12 to provide direct data communication path 38 between application 12 and client server 30. Alternatively, interface 24 could serve as an intermediate link connecting client application 12 to client server 30. Once connected to a client server, the client application may conduct more than one transaction with the client server.”

(Boll, column 3, lines 47-54). As shown above, Boll teaches that once the communications interface selects a client server to which the client application may connect, the client application

and the client server **directly** connect to each other. Thus, if the client application and the client server directly connect to each other so that “the client application may conduct more than one transaction with the client server,” the communications interface (i.e., the adapter) does not “hid[e] client-specific behavior from the application running on the server.” Stated differently, due to the fact that the client application directly connects to the client server, the adapter is no longer an intermediary between the client application and client server, and, therefore, cannot hide any client-specific behavior from the client server (i.e., the application running on the server). Because Hoennig does not teach the adapter hiding client-specific behavior from the client server, the combination of Hoennig and Boll does not teach or suggest each and every limitation recited in claim 1. Therefore, it would not have been obvious to one of ordinary skill in the art to combine the cited references to obtain “the adapter hiding client-specific behavior from the application running on the server” because this features was not known.

For at least the reasons stated above, an obviousness rejection based on this rationale of combining prior art elements according to known methods to yield predictable results cannot be sustained. Similarly, none of the other rationales under the Obviousness Guidelines are met. Hence, claim 1 is not unpatentable over Hoennig in view of Boll.

Claims 2-3, and 5-7, 9, and 11 are dependent claims that include all the limitations of claim 1 and include additional limitations. For at least the same or similar reasons, these claims are also allowable.

Claim 13 is also not unpatentable over Hoennig in view of Boll. For example, independent claim 13 provides:

“A system comprising:
a server having a processor and memory operable to run an application;
a plurality of client-specific adapters, each adapter in the plurality enabling communication between the application on the server and a client; and
a client abstraction layer on the server operable to:
identify one or more selection data elements in a client request received at the client abstraction layer, where each

selection data element specifies an adapter type, a client type, or data describing the client; and

use the selection data elements to select an adapter at the client abstraction layer to enable communication between an application running on the server and one or more client programs, the adapter being used by the client abstraction layer as an intermediary, the adapter hiding client-specific behavior from the application running on the server, the adapter being designed for use with a particular client program.”

(Claim 13, emphasis added). Since claim 13 includes the same or similar limitations as claim 1, claim 13 is not unpatentable over Hoennig in view of Boll for the same or similar reasons.

Claim 14 is a dependent claim that includes all the limitations of claim 13 and include additional limitations. For at least the same or similar reasons, this claim is also allowable.

Claim 16 is not unpatentable over Hoennig in view of Boll. For instance, independent claim 16 provides the following:

“A method comprising:

identifying at a client abstraction layer on a server, one or more selection data elements in a client request received at the client abstraction layer, where each selection data element specifies an adapter type, a client type, or data describing the client; and

using the selection data elements to select an adapter at the client abstraction layer to convert communication between an application running on the server and one or more client programs, the adapter being used by the client abstraction layer as an intermediary, the adapter hiding client-specific behavior from the application running on the server, the adapter being designed for use with a particular client program.”

(Claim 16, emphasis added). As shown above, claim 16 contains the same or similar limitations as claim 1. Thus, claim 16 is not unpatentable over Hoennig in view of Boll for the same or similar reasons.

Claim 17 is a dependent claim that includes all the limitations of claim 16 and include additional limitations. For at least the same or similar reasons, this claim is also allowable.

Claim 18 is not unpatentable over Hoennig in view of Boll. For example, independent claim 18 recites the following:

“An apparatus comprising:

means for identifying at a client abstraction layer on a server having a processor and memory, one or more selection data elements in a client request received at the client abstraction layer, where each selection data element specifies an adapter type, a client type, or data describing the client; and

means for using the data elements to elect an adapter at the client abstraction layer to convert communication between an application running on the server and one or more client programs, the adapter being used by the client abstraction layer as an intermediary, the adapter hiding client-specific behavior from the application running on the server, the adapter being designed for use with a particular client program.”

(Claim 18, emphasis added). Since claim 18 includes the same or similar limitations as claim 1, claim 18 is not unpatentable over Hoennig in view of Boll for the same or similar reasons.

Claim 19 is a dependent claim that includes all the limitations of claim 18 and include additional limitations. For at least the same or similar reasons, this claim is also allowable.

Claims 4 and 10

The Examiner has rejected claims 4 and 10 of this Application under 35 U.S.C. § 103(a) as being unpatentable over Hoennig in view of Boll, and in further view of Kanevsky. Claims 4 and 10 are dependent claims that include all the limitations of claim 1 and include additional limitations. For at least the same or similar reasons, these claims are also allowable.

Claims 8, 15, and 20

The Examiner has rejected claims 8, 15, and 20 of this Application under 35 U.S.C. § 103(a) as being unpatentable over Hoennig in view of Boll, and in further view of Dutta. Claim 8 is a dependent claim that includes all the limitations of claim 1 and include additional limitations. Claim 15 is a dependent claim that includes all the limitations of claim 13 and include additional limitations. Claim 20 is a dependent claim that includes all the limitations

of claim 18 and include additional limitations. For at least the same or similar reasons stated above, these claims are also allowable.

Claim 12

The Examiner has rejected claim 12 of this Application under 35 U.S.C. § 103(a) as being unpatentable over Hoennig in view of Boll, and in further view of Tran. Claim 12 is a dependent claim that includes all the limitations of claim 1 and include additional limitations. For at least the same or similar reasons, these claims are also allowable.

Claims 23-25

The Examiner has rejected claims 23-25 of this Application under 35 U.S.C. § 103(a) as being unpatentable over Hoennig in view of Sarkar. Claims 4 and 10 are dependent claims that include all the limitations of claim 1 and include additional limitations. For at least the same or similar reasons, these claims are also allowable.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 408-244-6319.

Respectfully submitted,

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